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Agenda item 10 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

United Nations Voluntary Fund for Victims of Torture

Note by the Secretary-General

Addendum

Following the symposium organized in Istanbul in October 1992 by the Rehabilitation and Research Centre for Torture Victims, Copenhagen, in cooperation with the Human Rights Foundation of Turkey and the Turkish Medical Association (see E/CN.4/1993/23, para. 72), the Secretariat has received the Istanbul Declaration adopted by the International Rehabilitation Council for Torture Victims (IRCT), which makes an appeal to the United Nations and its Member States. The text of this Declaration is reproduced in the annex to the present note.

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Annex

THE INSTANBUL DECLARATION OF THE INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS

A global appeal for the abolition of torture

Notwithstanding that the United Nations Universal Declaration of Human Rights adopted in 1948 included the right to freedom from torture by specifying that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment",

Notwithstanding that the Universal Declaration of Human Rights clearly indicates that this provision constitutes a prohibition to use of torture to which no exception can be tolerated,

Notwithstanding that the United Nations International Covenant on Civil and Political Rights underlines that even "in time of public emergency which threatens the life of the nation", no derogation to the prohibition of torture and cruel, inhuman or degrading treatment or punishment can be made,

- torture continues to be a fact of life perpetuated and tolerated by a large number of governments and other authorities in States Members of the United Nations in contradiction to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted in 1984.

  This is especially the case in dictatorships and in other repressive forms of government which rely on torture and the threat of torture for the continued oppression of their populations.

  However, even in many countries where democratically elected governments have succeeded such repressive forms of government, torture continues to be practised in parts of the system which have not been affected by the political change.

  There is ample evidence to suggest that medical doctors and other health professionals are directly or indirectly, actively or passively, involved in these inhuman practices, thereby acting in contradiction to the World Medical Association's Declaration of Tokyo of 1975 and the United Nations Principles of Medical Ethics adopted in 1982.

  Against this tragic background THE VTH INTERNATIONAL SYMPOSIUM ON TORTURE AND THE MEDICAL PROFESSION, organized in Istanbul on 22-24 October 1992 by the International Rehabilitation Council for Torture Victims in collaboration with the Human Rights Foundation of Turkey and the Turkish Medical Association, appeals to the United Nations and its Member States:

  - to live up to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- to make a serious effort to remove the practice of government or government-inspired torture as part of political repression as well as interrogation or for any other purposes;

- to give the right to a detained or arrested person to demand a medical examination by an independent doctor* of his own choice before and after interrogation. The official report must include in detail the history and the findings of the physical examination of the case. The detained or arrested person must be permitted to read this report and the examination must be conducted outside the influences of the police or security forces;

- similarly, the family of a person alleged or suspected to have died as a result of torture should have the right to demand an independent post mortem examination of the body;

- to prosecute with diligence and effectiveness all cases of alleged or suspected torture and enact provisions for free legal aid for the victims;

- to establish the right to compensation for victims of torture and their dependents;

- to repeal all laws establishing impunity for torturers if these laws have been established by a non-democratic government;

- to protect by law and confirm by contracts of employment doctors and other health personnel at risk of being obliged to act in contradiction to established medical ethics especially regarding the non-involvement in torture;

- to include in the training curriculum of all health professionals and as part of the training of lawyers, police and the military, specific training programmes in ethical obligations and international and national law governing the behaviour of each professional group in relation to the practice of torture;

- to support the establishment of special independent centres offering treatment to torture victims;

and finally, as a matter of urgency:

- to increase national governments' contributions to the United Nations Voluntary Fund for Victims of Torture from the present totally inadequate sum of US$ 1.6 million for 1992 to reach $25 million in 1995 and at least $100 million in 1999.

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* In countries where doctors are not easily available they may be substituted by other authorized health professionals.

(Short of making contributions to the United Nations Voluntary Fund for Victims of Torture obligatory, which would be natural given the United Nations Universal Declaration of Human Rights, this could be done by setting each year minimum target sums for each country, indicating what ought to be the contribution according to the usual distribution of financial contributions to United Nations activities.)

WITH COLLECTIVE GOOD WILL AND POLITICAL DETERMINATION THE PRACTICE OF TORTURE COULD BE ERADICATED BY THE YEAR 2000.

HOWEVER, THE SAD LEGACY OF TORTURE - THE SCARS IN THE BODIES AND SOULS OF THE TORTURE SURVIVORS - WILL REMAIN WITH US AND REQUIRE PROFESSIONAL CARE AND SOCIAL ATTENTION FOR MANY YEARS TO COME.

Adopted by the IRCT Council and Bureau in Istanbul on 24 October 1992

Marina Berskovskaya Russia	Martin Bojar Czechoslovakia	Per Borgaa Sweden
William Curran United States of America	Ole Espersen President Denmark	Fleur Fisher United Kingdom
Inge Genefke Medical Director Denmark	Erik Holst Vice President Denmark	Hélène Jaffé France
James Jaranson United States of America	Darío Lagos Argentina	June Lopez Philippines
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Thabo Rangaka South Africa	Ole Vedel Rasmussen Denmark	Knud Smidt-Nielsen Denmark
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endorsed by The Human Rights Foundation of Turkey

Yavuz Önen President	Mahmut Tali Öngören Secretary-General

and by The Turkish Medical Association

Selim Ölcer President	Sükrü Hatun Secretary-General